



## General Docket

### US Court of Appeals for the First Circuit

Court of Appeals Docket #: 02-1559  
 Nsuit: 0 (Criminal or NOT SET)  
 US v. Vasquez  
 Appeal from: U.S. District Court of MA

Filed: 5/15/02

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 Lower court information:

District: 0101-1 : 98-40035                      lead: 98-40035  
 Ordering Judge: Nathaniel M. Gorton  
 trial judge: Charles B. Swartwood, III, Magistrate Judge  
 court reporter: Cheryl Dahlstrom, Court Reporter  
 court reporter: Carol Kershaw, Court Reporter  
 court reporter: Judith Twomey  
 court reporter: Nancy Eaton, Court Reporter  
 Date Filed: 10/28/98  
 Date order/judgment: 4/2/02  
 Date NOA filed: 4/8/02

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 Fee status: in forma pauperis

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 Prior cases:

None

Current cases:

	Lead	Member	Start	End
Consolidated:				
	01- 2448	02- 1559	5/15/02	
Related:				
	01- 2428	02- 1559	4/15/02	
companion:				
	01- 2428	01- 2448	10/12/01	

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 Panel Assignment:

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UNITED STATES  
 Appellee

Dina Michael Chaitowitz  
 FTS 617-784-3951  
 617-748-3100 x3361  
 [NTC gvt]  
 U.S. Attorney's Office  
 John Joseph Moakley Courthouse  
 1 Courthouse Way  
 Boston, MA 02210

Michael D. Ricciuti  
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1 Courthouse Way  
Suite 9200  
Boston, MA 02210

v.

PUGGI VASQUEZ  
aka  
PJ  
Defendant - Appellant

Matthew M. Robinson  
FTS 513-381-8043  
513-381-8033  
[COR LD NTC ret]  
Jeffrey M. Brandt  
FTS 513-381-8043  
513-381-8033  
[COR NTC cja]  
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UNITED STATES

Appellee

v.

PUGGI VASQUEZ, a/k/a PJ

Defendant - Appellant

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5/15/02 CRIMINAL CASE docketed. Opening forms sent. Notice filed by Appellant Puggi Vasquez. Appearance form due 5/29/02. Docketing Statement due 5/29/02. Transcript Report/Order due 5/29/02. [02-1559] (frnk) [02-1559]

5/15/02 RECORD filed: 1 volume consisting of docket entries: 175-180. [656521-1] [02-1559] (frnk) [02-1559]

5/20/02 ORDER filed. It is hereby ordered that cases numbered 01-2448 and 02-1559 be consolidated for purposes of scheduling and oral argument. The Clerk will set a briefing

schedule once the record on appeal, including all necessary transcripts, are complete. Appellants may file separate briefs. Appellee's brief shall be due within 30 days after service of the last appellant's brief. [01-2448, 02-1559] (frnk) [01-2448 02-1559]

5/28/02 SELECTION OF COUNSEL (MOTION) filed by Appellant Puggi Vasquez in 02-1559 requesting the Clerk of this Court appoint new counsel to represent him on appeal. Certificate of service absent. [02-1559] (frnk) [02-1559]

5/28/02 LETTER filed by Puggi Vasquez regarding his appeal and his attorney. [02-1559] (frnk) [02-1559]

6/10/02 ATTORNEY Roger A. Cox for Appellant Puggi Vasquez in 02-1559 added to case. [02-1559] (frnk) [02-1559]

6/10/02 APPEARANCE filed by Roger A. Cox for Appellant Puggi Vasquez in 02-1559. [662624-1] [02-1559] (frnk) [02-1559]

6/10/02 ORDER filed. Attorney Roger A. Cox has been appointed as counsel under the guidelines of the Criminal Justice Act. [02-1559] (frnk) [02-1559]

6/10/02 ORDER filed. Upon consideration of motion, Vincent Ricciardi is allowed to withdraw as counsel for appellant. New counsel has been appointed this date under the guidelines of the Criminal Justice Act. [662626-1] [02-1559] (frnk) [02-1559]

6/10/02 ORDER filed. It is hereby ordered that the time for the appellant to file its docketing statement and transcript report/order form be enlarged to and including 7/3/02. Docketing statement & transcript report/order form due 7/3/02. (frnk) [02-1559]

6/10/02 Involvement of attorney Vincent F. Ricciardi for Puggi Vasquez in 02-1559 terminated. [02-1559] (frnk) [02-1559]

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7/10/02 DEFAULT ORDER filed. The appellant is presently in default as to this filing. The appellant is ordered to file a docketing statement by 7/24/02 for Roger A. Cox. Failure to comply with this order will result in the dismissal of the appeal for want of prosecution in accordance with Local Rule 3(b). (frnk) [02-1559]

7/10/02 TRANSCRIPT REPORT/ORDER for Appellant Puggi Vasquez in 02-1559 Defaulted. Your case will be dismissed if you do not file your Transcript report/order by 7/24/02. (frnk) [02-1559]

7/22/02 DOCKETING STATEMENT filed by Appellant Puggi Vasquez in 02-1559. [02-1559] (frnk) [02-1559]

7/29/02 TRANSCRIPT REPORT/ORDER filed by Appellant Puggi Vasquez in 02-1559. Transcript has been ordered by forwarded the CJA voucher to Cheryl Dahlstrom and Carol Kershaw. "COP/Rule 11 Hearing - 5/19/00 - (Kershaw)" "Bail Revocation Hearing - 2/7/02" "Sentencing - 3/27/02 (Dahlstrom)" Transcript due 9/30/02. [02-1559] (frnk) [02-1559]

8/28/02 SUPPLEMENTAL RECORD consisting of docket entries 185 & 186 filed. Transcripts. [681863-1] [02-1559] (frnk) [02-1559]

8/28/02 Transcript(s) filed by court reporter Cheryl Dahlstrom in 02-1559. "Disposition/Sentencing - 3/27/02 (185)" & "Bail Revocation Hearing - 2/7/02 (186)" [02-1559] (frnk) [02-1559]

9/20/02 Case Re-assigned to Nolan. [01-2448, 02-1559] (tim) [01-2448 02-1559]

11/21/02 Court Reporter memo sent. Transcript due 12/2/02 for Carol Kershaw. [02-1559] (trim) [02-1559]

12/13/02 ATTORNEY Matthew M. Robinson for Appellant Puggi Vasquez in 02-1559 added to case. [02-1559] (trim) [02-1559]

12/13/02 APPEARANCE filed by Matthew M. Robinson for Appellant Puggi Vasquez in 02-1559. [712728-1] [02-1559] (trim) [02-1559]

12/23/02 CJA Form 24 filed by Appellant Puggi Vasquez in 02-1559. Transcript - COP/Rule 11 Hearing, 5/19/00 - is ordered by filing of this form. Transcript due 2/24/03. [02-1559] (trim) [02-1559]

1/10/03 SUPPLEMENTAL RECORD consisting of docket entry 187: Transcript, filed. [716399-1] [02-1559] (trim) [02-1559]

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1/10/03 Transcript(s) - COP Hearing, 5/19/00 - filed by court reporter Carol Kershaw in 02-1559. [02-1559] (trim) [02-1559]

1/10/03 BRIEFING SCHEDULE. Appellant's Brief due 2/19/03. Appendix due 2/19/03. Appellee's Brief due 3/21/03. Reply brief due 4/4/03. [02-1559] (trim) [02-1559]

1/13/03 ATTORNEY MOTION filed by Roger A. Cox for Appellant Puggi Vasquez in 02-1559 for Roger A. Cox to withdraw as counsel for Puggi Vasquez [717256-1]. Certificate of service dated 12/31/02. [02-1559] (trim) [02-1559]

1/14/03 ORDER filed. Upon consideration of motion, Attorney Roger A. Cox is allowed to withdraw as counsel for appellant. [02-1559] (trim) [02-1559]

1/14/03 Involvement of attorney Roger A. Cox for Puggi Vasquez in

02-1559 terminated. [02-1559] (trim) [02-1559]

1/21/03 MOTION filed by Appellant Puggi Vasquez in 02-1559 to extend time to file Appellant's brief until 4/2/03 Ext. Code: tran Certificate of service dated 1/16/03. [02-1559] (trim) [02-1559]

1/24/03 ORDER filed. Upon consideration of motion, It is hereby ordered that the time for the appellant to file its brief be enlarged to and including March 19, 2003. [02-1559] (trim) [02-1559]

3/20/03 BRIEF filed by Appellant Puggi Vasquez in 02-1559. Length: 13 pages, Copies: 9, delivered by mail. Certificate of service date 3/18/03. [735820-1] [02-1559] (trim) [02-1559]

3/20/03 ELECTRONIC DOCUMENT (Appellant's Brief), filed by Appellant Puggi Vasquez in 02-1559. [02-1559] (trim) [02-1559]

4/10/03 MOTION filed by Appellee US in 02-1559 to extend time to file Appellee's brief until 5/12/03. Ext. Code: otr. Certificate of service dated 4/10/03. [02-1559] (trim) [02-1559]

4/14/03 ORDER filed. Upon consideration of motion, It is hereby ordered that the time for appellee to file its brief is enlarged until May 12, 2003. [01-2448, 02-1559] in 01-2448 (trim) [01-2448 02-1559]

5/12/03 MOTION filed by Appellee US in 02-1559 to extend time to file Appellee's brief until 7/12/03 Ext. Code: otr Certificate of service dated 5/12/03. [02-1559] (trim) [02-1559]

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5/12/03 MOTION filed by Appellee US in 02-1559 for summary disposition. Certificate of service dated 5/12/03 . [02-1559] (trim) [02-1559]

5/14/03 ORDER filed. Upon consideration of motion, It is hereby ordered that the time for the appellee to file its brief be enlarged to and including July 14, 2003. [2-1559] (trim) [02-1559]

5/19/03 RESPONSE filed by Appellant Puggi Vasquez in 02-1559 to motion for summary disposition [751049-1]. Certificate of service dated 5/19/03 [753065-1] [02-1559] (trim) [02-1559]

5/21/03 ATTORNEY Jeffrey M. Brandt for Appellant Puggi Vasquez in 02-1559 added to case. [02-1559] (trim) [02-1559]

5/21/03 APPEARANCE filed by Jeffrey M. Brandt for Appellant Puggi Vasquez in 02-1559. [758494-1] [02-1559] (trim) [02-1559]



6/17/03 PRESENTENCE REPORT [UNDER SEAL] received and filed.  
[761231-1] [02-1559] (dona) [02-1559]

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7/10/03 JUDGMENT filed Chief Judge Michael Boudin, Judge Sandra L. Lynch, Judge Jeffrey R. Howard closing case. Defendant-appellant Puggi J. Vazquez appeals the district court's decisions (1) to enhance his offense level by two for obstruction of justice and (2) to deny a three-level downward adjustment for acceptance of responsibility. We review the sentencing court's factual findings for clear error, see *United States v. Cash*, 266 F.3d 42, 44 (1st Cir. 2001), and the district court's interpretation of the legal meaning and scope of the guidelines de novo. See *United States v. McGovern*, 329 F.3d 247, 251 (1st Cir. 2003). In this case, Vazquez was convicted on narcotics charges released, under stringent conditions set by the court. However, during his release, he impermissibly changed his state of residence and began working under an assumed name. After he was found and questioned by a DEA agent, he fled the country for approximately eighteen months. We do not find clear error in the sentencing court's apparent skepticism over the cause of Vazquez's flight or its determination that his flight warranted a two-level increase in offense level for obstruction of justice. Furthermore, flight before sentencing is considered a ground for imposing such an increase pursuant to the Sentencing Guidelines. See U.S.S.G. §3C1.1, application note 4(e). Therefore, there is no error in the district court's legal determination concerning the scope of the guidelines. Furthermore, this court has previously upheld an offense-level increase for obstruction of justice when a defendant fled before sentencing. See *United States v. Yeo*, 936 F.2d 628, 629 (1st Cir. 1991). Secondly, we conclude that the district court did not clearly err in determining that the facts did not constitute an "extraordinary case" in which both an enhancement for obstruction of justice and a decrease for acceptance of responsibility might simultaneously be awarded. See *Yeo*, 936 F.2d at 629; *United States v. Young*, 315 F.3d 911 (8th Cir. 2003); *United States v. Hudson*, 272 F.3d 260, 264 (9th Cir. 2001). For all of these reasons, we affirm the sentence. Affirmed.  
[768267-1] [02-1559] (trim) [02-1559]

7/29/03 Case Re-assigned to Kristie from Nolan. [01-2448, 02-1559] (frnk) [01-2448 02-1559]

7/31/03 MANDATE ISSUED. [02-1559] (kris) [02-1559]

7/31/03 RECORD retained for companion case number(s): 01-2448. [02-1559, 01-2448] (kris) [01-2448 02-1559]

9/21/04 RECORD consisting of sealed indictment returned to originating court. (dunn) [01-2428 01-2448 02-1559]

9/22/04 PRESENTENCE REPORT [UNDER SEAL] of Puggi Vasquez returned to originating court. [02-1559] (dunn) [02-1559]

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<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
08/12/2005 13:43:50			
<b>PACER Login:</b>	us5730	<b>Client Code:</b>	
<b>Description:</b>	dkf report	<b>Case Number:</b>	02-1559
<b>Billable Pages:</b>	8	<b>Cost:</b>	0.64